

sion 1. A violation of any provision of this act shall constitute a gross misdemeanor.

Subd. 2. Whenever any county attorney, or the attorney general of this state, has reasonable cause to believe that any person within this state is violating this act, he may by verified petition seek a temporary restraining order or temporary injunction in the district court in the county in which the alleged violation occurred. No temporary restraining order or preliminary injunction shall be issued without a prior show cause notice of hearing to the respondents named in the petition, and an opportunity for the respondents to be heard. Personal service of the show cause order and of the petition made as in civil actions on the named respondents, or upon any of their employees or agents found within the state, shall constitute sufficient notice. Such show cause order for hearing may be returnable on the third day from the date of service as to a respondent who is present in this state, and on the fifth day as to a person not a resident or not found within this state.

Sec. 7. [617.297] **Evidence of adherence to motion picture rating system.** In any proceeding or prosecution involving the exhibitor or owner of any motion picture theatre, evidence of compliance or noncompliance with and adherence to a rating system recognized in the motion picture industry is admissible.

Sec. 8. **Severability.** The provisions of this act are severable in accordance with Minnesota Statutes 1967, Section 645.20.

Approved June 6, 1969.

CHAPTER 1072—H. F. No. 2186

[Coded in Part]

An act relating to the Minnesota Watershed Act; amending Minnesota Statutes 1967, Sections 112.37, by adding a subdivision; 112.39, Subdivision 4; 112.42, Subdivision 3; 112.43, Subdivision 1; 112.44; 112.48, Subdivision 1, and by adding a subdivision; 112.49, Subdivision 1; 112.501, Subdivision 2; 112.61, Subdivision 3; 112.63; 112.65, Subdivision 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 112.37, is amended by adding a subdivision to read:

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Subd. 6. Watersheds; regulation. In the event there are more than all or parts of six counties in a proposed watershed district, the board, upon request of the petitioners in their nominating petition, may in its discretion increase the number of managers of a watershed district from five to seven to a maximum of nine.

Sec. 2. Minnesota Statutes 1967, Section 112.39, Subdivision 4, is amended to read:

Subd. 4. The findings and order of the board shall name the first board of managers of the district whose term of office shall be for one year, and until their successors are appointed and qualified, and shall designate the place within the district where the principal place of business of the district shall be located, and define the boundaries of the district, which may be changed upon a petition therefor, signed and provided in section 112.37, subdivision 1 or signed by the board of managers of a watershed district upon resolution duly passed authorizing the same, and a notice and hearing thereon, in the same manner as in the original proceeding. *Whenever a petition for a boundary change involves a common boundary of two or more watershed districts the board may determine in which district the hearing shall be held.* The principal place of business may be changed within the district by the managers upon resolution duly passed authorizing the same, with a notice and a hearing to be conducted by the managers. Notice of such hearing shall be given by the managers of publication published once each week for two successive weeks prior to the date of hearing in a legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located, the last publication shall occur at least ten days before the hearing. Notice of hearing shall be mailed to the county auditor of each county affected ten days before the hearing. After the hearing the managers may order the change in place of business which shall be effective upon the filing of a certified copy thereof with the secretary of state and the secretary of the board.

Sec. 3. Minnesota Statutes 1967, Section 112.42, Subdivision 3, is amended to read:

Subd. 3. At least 30 days prior to the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and proceed to appoint successors to the first managers. Provided, however, if the nominating petition that initiated the district shall be originated from a majority of the cities, villages, or boroughs within the district the county commissioners shall appoint the managers from a list of nominees submitted by the townships and municipalities within the district. Said list

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shall contain at least three nominees for each position to be filled. It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If such list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. Said county commissioners shall at least 30 days before the expiration of the term of office of any managers meet and appoint the successors. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board. The term of office of each manager, if the number does not exceed three, shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. *If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area.* Any vacancy occurring in an office of a manager shall be filled by the county commissioners representing the county in which the vacating manager did reside. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a voting resident of the district and none shall be a public officer of the county, state, or federal government.

Sec. 4. Minnesota Statutes 1967, Section 112.43, Subdivision 1, is amended to read:

112.43 **Managers; powers, duties.** Subdivision 1. The managers, in order to give effect to the purposes of this chapter may:

(1) Make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the district is organized and may initiate, undertake, and construct projects not required to be instituted by a petition under section 112.47.

(2) Cooperate or contract with any state or subdivision thereof or federal agency or private or public corporation.

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(3) Construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the district.

(4) Acquire, operate, construct, and maintain dams, dikes, reservoirs, and appurtenant works.

(5) Regulate, conserve, and control the use of water within the district.

(6) Acquire by gift, purchase, or the right of eminent domain necessary real and personal property.

(7) Contract for or purchase such insurance as the managers deem necessary for the protection of the district.

(8) Establish and maintain devices for acquiring and recording hydrological data.

(9) Enter into all contracts of construction authorized by this chapter.

(10) Enter upon lands within or without the district to make surveys and investigations to accomplish the purposes of the district. The district shall be liable for actual damages resulting therefrom.

(11) To take over when directed by the district court or county board all judicial and county drainage systems within the district, together with the right to repair, maintain, and improve the same. Whenever such judicial or county drainage system is taken over in whole or in part, the same, to the extent so taken over, shall become a part of the works of the district.

(12) Provide for sanitation and public health and regulate the use of streams, ditches, or watercourses for the purpose of disposing of waste and preventing pollution.

(13) Borrow funds from *the following: (a) any agency of the federal government (b) any county in which the district is located in whole or in part, provided assessments are pledged to repay the amount of the loan. A county board may lend the amount requested by a district. No district may have more than \$20,000 in loans from counties under this clause outstanding at any time.*

(14) Adopt rules and regulations to effectuate the purposes of the act and the authority of the managers.

Sec. 5. Minnesota Statutes 1967, Section 112.44, is amended to read:

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112.44 Advisory committee. The managers, upon qualifying, shall appoint an advisory committee consisting of at least five members, who shall be selected if practicable as follows: one shall be a supervisor of a soil conservation district; one shall be a member of the county board; one shall be a member of a sportsmen's organization, and one shall be a member of a farm organization and others may be appointed at the discretion of the managers, which appointees shall be residents of the district, and shall serve during the pleasure of the managers. The committee shall advise and assist the managers upon all matters affecting the interests of the district, and shall make recommendations to the managers upon all contemplated projects and works of improvement within the district. *In addition the managers may appoint other interested and technical persons who may or may not reside within the district who shall serve during the pleasure of the managers.*

Sec. 6. Minnesota Statutes 1967, Section 112.48, Subdivision 1, is amended to read:

112.48 Approval of overall plan; filing of petition; contents; hearing; bonds. Subdivision 1. After the overall plan of the district has been prescribed, as provided for in section 112.46, a petition may be filed with the managers for any project or improvement within the district conforming in general with said plan. The petition therefor must be signed by: *(1) Not less than 25 percent of the resident freeholders, or by the owners of more than 25 percent of the property within the limits of the area proposed to be improved, provided however if the project or improvement petition consists of a drainage proceeding as defined in Minnesota Statutes, Chapter 106, such petition shall be signed by a majority of the resident owners of the land described in the petition or by the owners of at least 60 percent of the areas of such land. The lands described in the petition shall be those over which the proposed improvement passes or is located; or such petition may be signed by. For the purposes of this subdivision, holders of easements for electric or telephone transmission or distribution lines shall not be deemed freeholders or owners; or (2) a county board of any county affected; ; or by (3) the governing body of any city, village, or borough lying wholly or partly within the area proposed to be improved. Provided, however, if the proposed project affects lands exclusively within a city, village, or borough, the petition shall originate from the governing body of such city, village, or borough. For the purposes of this section, holders of easements for electric or telephone transmission or distribution lines shall not be deemed freeholders or owners.* Such petition shall contain the following:

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- (1) A description of the work proposed, and the purpose to be accomplished;
- (2) A description of the lands over which the proposed improvement passes or is located;
- (3) A general description of the part of the district which will be affected, if less than the entire district;
- (4) The need and necessity for the proposed improvement;
- (5) That the proposed improvement will be conducive to public health, convenience, and welfare;
- (6) A statement that the petitioners will pay all costs and expenses which may be incurred in case the proceedings are dismissed or for any reason no contract for the construction thereof is let.

Sec. 7. Minnesota Statutes 1967, Section 112.48, is amended by adding a subdivision to read:

Subd. 1a. Where an improvement is to be constructed within the district under an agreement between the managers and the state of Minnesota, or any department or agency thereof, or the United States of America, or any department or agency thereof, wherein the cost of the improvement is to be paid for in whole or in part by the governmental agency but the rights of way, and the expenses of the improvement are assumed by the district or where the managers are undertaking all or a portion of the basic water management project as identified in the overall plan, the following procedure shall be followed. The managers shall hold a public hearing on the proposed improvement following publication once each week for two successive weeks prior to the date of the hearing in a legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located. The last publication shall occur not more than 30 days and at least ten days before the hearing. The notice shall state the time and place of hearing, the general nature of the proposed improvement, the estimated cost thereof and the method by which the cost of the improvement is to be paid, including the cost to be allocated to each affected municipal corporation or the state of Minnesota or any department thereof. Not less than ten days before the hearing, notice by mail shall be given to the director and to the municipal corporations wholly or partly within the improvement project area, but failure to give mailed notice or defects in the notice shall not invalidate the proceedings. At the time and place specified in the notice the managers shall hear all parties interested in the proposed project or improvement. If upon full hearing the managers find that the improvement will be conducive to public health and promote the general

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welfare, and is in compliance with the overall plan and the provisions of Minnesota Statutes, Chapter 112, they shall make findings accordingly and authorize the project.

Sec. 8. Minnesota Statutes 1967, Section 112.49, Subdivision 1, is amended to read:

112.49 **Surveys, plans.** Subdivision 1. If it appears to the managers that the petition is sufficient, that the proposed improvement is for public interest and welfare, and is practicable and in conformity with the overall plan for projects and improvements of the district, they shall *properly identify the proceeding by name and number and shall* cause to be made, at the earliest time possible, all necessary surveys and plans for the construction of the proposed improvement. The engineer designated by the managers shall make a report to the managers of his findings and recommendations relative to the proposed improvement. If he finds the improvement feasible he shall include in his report a plan of the proposed project including:

(1) A map of the area to be improved, drawn to scale, showing thereon: the location of the proposed improvements; the location and adequacy of the outlet; the watershed of the project area; the location of existing highways, bridges and culverts; all lands, highways and utilities affected, together with the names of the owners thereof, so far as known; the outlines of any public lands and public bodies of water affected; such other physical characteristics of the watershed as may appear necessary for the understanding thereof;

(2) The estimated total cost of the completion of the project including costs of construction and all supervision and administrative costs of the project;

(3) The acreage which will be required and taken as right of way listed by each lot and 40 acre tract, or fraction thereof, under separate ownership;

(4) Such other details and information to inform the managers of the practicability and necessity of the proposed improvements together with his recommendations thereon.

Sec. 9. Minnesota Statutes 1967, Section 112.501, Subdivision 2, is amended to read:

Subd. 2. In all proceedings under this act assessments for benefits against lands shall be made upon benefits to such lands by reason of the project or improvement affecting the same. Benefited properties shall include:

(1) All lands, including lands owned by the state of Minne-

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sota or any subdivision thereof receiving direct benefits. *Direct benefits include, but are not limited to assessments for such as drainage, recreation, commercial navigation, disposal of sewage or waste material, protection from overflow by flood control improvements, bank stabilization, flood control, land reclamation, prevention of siltation, control of erosion, or and maintenance of lake levels;*

(2) All lands *that are* contributing water ~~that or~~ are furnished ~~a an improved~~ drainage outlet ~~by the construction or improvement of any artificial or natural drain or watercourse and all lands that contribute waters that are stored, handled or controlled by the proposed improvement;~~

(3) All lands that are not receiving but need drainage and that are furnishing waters that are handled or controlled by the proposed improvement.

(4) Benefits to the state by reason of the improvement of lakes, streams, or other bodies of water as a place for propagation, protection and preservation of fish and other forms of wildlife, which benefits shall be assessable against the state of Minnesota to the extent and in the manner provided for assessments against the state in Minnesota Statutes, Section 84A.55, Subdivision 9, and within the available appropriation.

(5) Benefits to municipal corporations which occur to the lands in the municipality generally and which may be in addition to special benefits to specific lands within the municipality.

(6) Benefits that will result to all lands used for railway or other utility purposes.

Sec. 10. Minnesota Statutes 1967, Section 112.61, Subdivision 3, is amended to read:

Subd. 3. An administrative fund, which consists of an ad valorem tax levy not to exceed ~~two~~ *three* mills on each dollar of assessed valuation of all taxable property within the district, or ~~\$60,000~~ *\$75,000*, whichever is the lesser. Such funds shall be used for general administrative expenses and for the construction and maintenance of projects of common benefit to the district. The managers may make an annual levy for this fund as provided in section 112.611.

Sec. 11. Minnesota Statutes 1967, Section 112.63, is amended to read:

112.63 **Warrants.** The managers of any district may issue warrants of the district in payment of any contracts for the construc-

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tion of any improvements, for all ordinary general expenses, and for all expenses incurred in making repairs, *which have been approved by the managers only when there are sufficient funds available for payment in the district treasury.* ~~When sufficient funds are not available to pay any warrant after its presentation to the treasurer of the district, the warrant draws interest at a rate not to exceed six percent per annum until paid or until notice is given by the district that funds are available for its payment. Except for warrants issued in payment of construction of any improvement, the funds for which have been provided, the outstanding warrants of the district shall not exceed \$5,000.~~

Sec. 12. Minnesota Statutes 1967, Section 112.65, Subdivision 1, is amended to read:

112.65 Drainage systems within district. Subdivision 1. The managers of a district shall take over when directed by the district court or county board any judicial or county drainage system within the district, together with the right to repair and maintain the same. Such transfer may be initiated by the district court or county board, or such transfer may be initiated by a petition from any person having an interest in the drainage system or by the managers. No such transfer shall be made until the district court or county board has held a hearing thereon. Due notice of the proposed transfer together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. *Following the hearing, the district court or county board shall make its order directing that the managers of a district take over the affected judicial or county drainage system, unless it appears that the take over would not be in the public welfare or public interest and would not serve the purpose of Minnesota Statutes, Chapter 112.* When the transfer is directed all proceedings for repair and maintenance shall thereafter conform to the provisions of Minnesota Statutes, Chapter 106.

Approved June 6, 1969.

CHAPTER 1073—H. F. No. 2260

[Coded]

An act relating to public health; authorizing the state board of health to establish a merit system for local health personnel; amending Minnesota Statutes 1967, Chapter 144, by adding a section.

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